

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re INDYMAC MORTGAGE-BACKED  
SECURITIES LITIGATION

Master Docket No. 09-Civ. 04583 (LAK)  
ECF CASE

This Document Relates To:  
ALL ACTIONS

**NOTICE OF LEAD PLAINTIFFS'  
MOTION FOR PRELIMINARY APPROVAL OF PARTIAL  
SETTLEMENT, APPROVAL OF NOTICE TO THE SETTLEMENT CLASS AND  
CERTIFICATION OF THE SETTLEMENT CLASS FOR SETTLEMENT PURPOSES**

PLEASE TAKE NOTICE that Lead Plaintiffs Wyoming Retirement System and Wyoming State Treasurer (“Lead Plaintiffs”), on behalf of themselves and the proposed Settlement Class (as defined in the accompanying Memorandum of Law and the Stipulation and Agreement of Partial Settlement, submitted concurrently herewith), hereby move this Court before the Honorable Lewis A. Kaplan, for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure: preliminarily approving the proposed partial settlement; approving the proposed form of the Notice Of Pendency Of Class Action And Proposed Partial Settlement and the proposed form of the Summary Notice Of Pendency Of Class Action And Proposed Partial Settlement; approving the proposed methods of disseminating notice; certifying the Settlement Class for settlement purposes only; appointing Lead Plaintiffs and Plaintiffs (as defined in the accompanying Stipulation and Agreement of Partial Settlement) as Class Representatives and Berman DeValerio as Class Counsel; and granting such other and further relief as the Court deems just and proper.

The proposed partial settlement was reached by Lead Plaintiffs and the Individual Defendants S. Blair Abernathy, John Olinski, Samir Grover, Simon Heyrick and Victor Woodworth (the “Settling Defendants” or “Individual Defendants”). This proposed partial settlement does not resolve the claims against the Non-Settling Defendants.<sup>1</sup>

The Individual Defendants support the relief requested and will not oppose this motion.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Lead Plaintiffs submit herewith: (1) Memorandum Of Law In Support Of Lead Plaintiffs’ Motion For Preliminary Approval Of Partial Settlement, Approval Of Notice To The Settlement Class And Certification Of The Settlement Class For Settlement Purposes; and (2) the Declaration of Patrick T. Egan, attaching the Stipulation and Agreement of Partial Settlement (which attaches a proposed order).

Dated: July 26, 2012

Respectfully submitted,

**BERMAN DEVALERIO**

By: /s/ Patrick T. Egan  
Joseph J. Tabacco, Jr. (JJT-1994)  
Nicole Lavallee (admitted *pro hac vice*)  
One California Street Suite 900  
San Francisco, California 94111  
Telephone: (415) 433-3200  
Facsimile: (415) 433-6382

Patrick T. Egan (PE-6812)  
One Liberty Square  
Boston, Massachusetts 02109  
Telephone: (617) 542-8300  
Facsimile: (617) 542-1194

*Lead Counsel for Lead Plaintiffs and the Proposed Settlement Class*

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<sup>1</sup> The “Non-Settling Defendants” are defendants IndyMac MBS; Credit Suisse Securities (USA) LLC; Deutsche Bank Securities Inc.; J.P. Morgan Securities Inc., in its own right and as successor-in-interest to Bear, Stearns & Co., Inc.; RBS Securities Inc (as successor to Greenwich Capital Markets, Inc.); Morgan Stanley & Co., Inc., and UBS Securities LLC.